

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

<b>JOSHUA MARTEZ BROWN,</b>  Petitioner,  v. <b>WILLIE SMITH,</b>  Respondent.	2:17-CV-12097  HON. TERRENCE G. BERG  <b>ORDER DENYING MOTION FOR A CERTIFICATE OF APPEALABILITY (ECF NO. 17)</b>
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This matter is before the Court on Petitioner's Motion for a Certificate of Appealability (ECF No. 17). Joshua Martez Brown, a Michigan state prisoner, filed a *pro se* application for the writ of habeas corpus challenging his convictions for second-degree murder, Mich. Comp. Laws § 750.317, assault with intent to commit murder, Mich. Comp. Laws § 750.83, and possession of a firearm during the commission of a felony, Mich. Comp. Laws § 750.227b.

This Court denied the habeas petition, declined to issue a certificate of appealability, and granted Petitioner permission to appeal the Court's decision in forma pauperis. ECF No. 12. On December 2, 2020, Petitioner filed a motion to alter or amend the judgment denying the writ of habeas corpus. ECF No. 15. The Court denied that motion on June 21, 2021, and stated the following:

In his remaining motion, Petitioner seeks a ninety-day extension of time to file a motion for a certificate of appealability and a response to the Court's denial of his habeas petition. The Court, however, denied a certificate of appealability in its dispositive opinion, and Petitioner has already responded to the Court's dispositive opinion. Therefore, the motion for an extension of time is denied as moot. Petitioner may apply to the Court of Appeals for a certificate of appealability.

ECF No. 16, PageID.3500.

Accordingly, the Court has already addressed and denied Petitioner's request for a certificate of appealability and nothing provided in Petitioner's current motion changes that calculus. Once again, the Court denies a certificate of appealability and the Petitioner may apply to the Court of Appeals for a certificate of appealability.

### **CONCLUSION**

For the foregoing reasons, the Petitioner's Motion for a Certificate of Appealability is **DENIED**.

**SO ORDERED.**

Dated: September 29,  
2021

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE